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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: NUBER et al
Serial No.: 08/928,664
Filed: September 12, 1997
For: Covering Device For An Opening In The Outer
Shell Of A Motor Vehicle
Group: 3752
Examiner: Weldon, K.

AMENDMENT

Assistant Commissioner
For Patents
Washington, D.C. 20231

December 14, 1999

Sir:

In response to the Office Action mailed September 14, 1999, please amend the
above-identified application as follows:

IN THE SPECIFICATION:

Page 1, line 3, delete "Description" and insert --Background Of The
Invention--;

between line 30 and 31, insert --Summary Of The Invention--.

Page 2, lines 3, 4 and 5, delete in their entireties and insert --The present

invention provides a covering device for covering an opening in an outer panel or a
motor vehicle, comprising a mounting frame which fits securely into the opening and
a door hinged to the mounting frame. The door has a closed position, in which the

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door completely covers the mounting frame and the opening into which it fits, and a released position in which the door swings outwards from the opening.

Page 4, between lines 34 and 35, insert --Brief Description Of The Drawings--.

Page 5, between lines 10 and 11, insert --Detailed Description Of The Preferred Embodiments--.

Page 6, line 14, delete "support" and insert --trim--;
line 15, delete "[TR:sic]".

IN THE CLAIMS:

Please amend the claims to read as follows:

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--1. (Amended) [The invention relates to a] A covering device for covering an opening in [the] an outer panel of a motor vehicle, [specifically for the spray nozzle passage of a headlight washer system which is equipped with a hinged door on the visible surface of the surrounding outer panel, fitting flush and covering the opening in the closed position and which, in the released position, swings outwards from the opening on the visible surface of the outer panel, characterized in that the hinged door (14) is arranged so that it can pivot on] comprising a mounting frame [(10)] which fits securely into the opening [(64)] and a door hinged to the mounting frame, the door having a [which, in the] closed position, in which the door completely covers the mounting frame [(10)] and the opening [(64)] into which it fits, and a released position in which the door swings outwards from the opening.

2. (Amended) Covering device according to claim 1, [characterized in that] wherein the mounting frame [(10) which] is dimensioned to be set flush in the opening [(64)]

on [the] an inner surface [(68)] of the outer panel [(60), is] and rigidly fixed to the outer panel [(60)] by joining devices [(74, 76)].

3. (Amended) Covering device according to claim 1, [characterized in that] wherein the mounting frame [(10) set into the opening (64)] has a stepped notch [(74)] all around its facing edges along which an outer stepped surface is provided for fitting next to the outer panel [(60)] and a projecting inner stepped surface [(26) which fits] is provided for fitting flush into the opening [(64), and which is], the inner stepped surface being covered over in the closed position by the hinged door [(14)], [preferably] leaving an even seam [(82)] with the surrounding outer panel [(60)].

4. (Amended) Covering device according to claim 1, [characterized in that] wherein the mounting frame [(10)] has brackets [(34, 36)] which [are] can be fastened to [the] inner protruding mounting surfaces [(70, 72)] on the outer panel [(60)] by means of expanding rivets [(74, 76)].

Claim 5, line 1, delete "1" and insert --3--;

line 2, delete "characterized in that" and insert --wherein--;

line 2, delete "(14)";

line 3, delete "(64)" and "(42) preferably of";

line 4, delete "thermoplastic";

line 4, delete "(44, 46 preferably";

line 5, delete "made of a fibreglass-reinforced plastic and";

line 6, delete "(42)".

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6. (Amended) Covering device according to claim 5, [characterized in that] wherein the swivel carrier[, preferably of] has a one-piece construction, and has a mounting plate [(44)] next to and rigidly attached to the trim plate [(42)] and has at least one swivel arm [(46, 46')] attached at one end to the mounting plate and at another end to [its unattached end of the] a swivel shaft [(12)] fitted to the mounting frame [(10)].

Claim 7, line 1, delete "characterized";

line 2, delete "in that" and insert --wherein--;

line 2, delete "(12)";

line 2, delete "the" (second occurrence);

line 3, delete "(38, 38') close to a plane parallel through" and insert

--of--;

line 4, delete "(10)";

line 4, delete "shows at" and insert --the--;

line 4, delete "(46,";

line 5, delete "46)";

line 7, delete "(10)".

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8. (Amended) Covering device according to claim 6, [characterized in that] wherein the swivel carrier has two swivel arms [(46, 46'),] spaced at a short distance from each other[, are] and formed on opposite sides of the mounting plate [(44)], and [that the] wherein free ends of the swivel arms[,] are provided with bearing holes, so that the free ends of the swivel arms can be spread to engage [the] shaft journals [(40, 40')] attached to the frame.

line 5, delete "(32)" and "(10)".

Claim 13, line 2, delete "characterized in that" and insert "--wherein--";

line 2, delete "(44)";

line 3, delete "(42)";

line 4, delete "the" and insert "--an--";

line 4, delete "(52)" and "(84)";

line 5, delete "[TRLsic]";

line 6, delete "(14)".

14. (Amended) Covering device according to claim 1, [characterized in that] wherein the outer panel [(60) consists of] is a plastic facing on a bumper, [and] the opening [(64)] is intended for [the] a spray head [(84)] of a headlight washer system, and the opening is stamped out of [the] a prefabricated bumper facing.

15. (Amended) Headlight washer system for a motor vehicle [with a] comprising spray head [(84)] which extends from the rest position by a lifting stroke through an opening [(64)] in an outer vehicle shell[, specifically] formed by a bumper facing [(60)] into the spray position, [characterized by] and a covering device for the opening according to claim 1.

16. (Amended) Headlight washer system as in claim 15, [characterized in that] wherein the spray head [(84)] has a sliding rib [(90)] which acts together with [the] an angle buffer [(52) of] on the hinged door when [it] the spray head is extending.

Claim 17, line 2, delete "characterized in that the" and insert --wherein a--;

line 2, delete "the" and insert --a--;

line 2, delete "(44)";

line 3, delete "(14)";

line 4, delete "(84)".

REMARKS

By this amendment, applicants have amended the specification to insert appropriate headings therein and to delete reference therein to the claims. Applicants have also amended the claims to more clearly define their invention. In particular, the claims have been amended to eliminate the narrative format and to eliminate the words and phrases deemed indefinite by the Examiner.

In view of the foregoing amendments to the claims, it is submitted all of the claims now in the application comply with the requirements of 35 USC 112, second paragraph. Accordingly, reconsideration and withdrawal of the rejection of claims 1 - 17 under 35 USC 112, second paragraph, are requested.

Claims 1 - 6, 10 and 13 - 16 stand rejected under 35 USC 103 as being unpatentable over United States Patent No. 5,269,464 to Epple et al in view of United States Patent No. 2,757,045 to Nullet. Applicants respectfully traverse this rejection and request reconsideration thereof.

The present invention relates to a covering device for covering an opening in an outer panel of a motor vehicle, e.g., for covering the spray nozzle passage for a headlight washer system. For improved fit, applicants propose that the positioning of the hinged door of the covering device in relation to the opening be independent of the fastening of the hinge. This is achieved, according to the present invention, by using a

mounting frame which fits securely into the opening and providing the door so that it is hinged to the mounting frame, the door having a closed position in which the door completely covers the mounting frame and the opening into which it fits, and a release position in which the door swings outward from the opening.

The patent to Epple et al merely discloses a spraying device for a headlamp cleaning system in which the segment of the nozzle carrier closest to the vehicle exterior is in the form of a nozzle holder and is provided with a sealing rubber gasket to seal the opening in the receiving an guide tube in the rest position of the nozzle. Thus, the nozzle itself serves as the cover and is not hinged to a frame which fits securely in the opening, as in the present invention.

The patent to Nullet relates to an automatic disappearing sprinkler for use in a field. An automatic disappearing sprinkler for use in a field is not analogous to a headlamp cleaning system and, therefore, there would have been no motivation to combine the disparate teaching of Nullet and Epple et al. While the Examiner alleges it would "have been obvious to one of ordinary skill in the art to substitute a hinged cover as taught by Nullet for the integral covering/nozzle housing in Epple to permit the nozzle to be retracted deeper into the interior of the car to prevent possible freezing," the Examiner has provided no suggestion in the prior art to make such a substitution or any reasoning as to why one of ordinary skill in the art would have looked to the field sprinkler of Nullet when facing problems in connection with a headlamp cleaning system. Moreover, it is not clear that one of ordinary skill in the art would have recognized a possible freezing problem in connection with the spraying device of Epple or that the Nullet sprinkler would solve any such problem. In short, it is submitted there would have been no motivation to combine the teachings

of Nullet with those of Epple et al.

For the foregoing reasons, it is submitted the claims are patentable over the proposed combination of Epple et al and Nullet.

Claims 11 and 12 stand rejected under 35 USC 103 as being unpatentable over Epple and Nullet, and further in view of United States Patent No. 4,752,032 to Costa et al. The Examiner has cited the patent to Costa et al only for its teachings in connection with the spring 20. In Costa, the spring 20 pulls piston 19 back into contact with the inner surface of end wall 15 on hydraulic piston 11 to maintain the frame 7 contacting glass front 3 in the idle position. However, the frame 7 contacts only the edges of the head lamp and serves a completely different purpose than the hinged cover of the present invention. Thus, even assuming, arguendo, one of ordinary skill in the art would have used a spring to keep the litter frame shut, it is submitted the Costa et al patent does not remedy any of the basic deficiencies of Epple et al and Nullet. Therefore, claims 11 and 12 are patentable over the proposed combination of references.

Applicants note with appreciation the indication that claims 7 - 9 and 17 would be allowable if rewritten in independent form.

Applicants note the Examiner has cited a number of additional patents as being pertinent to applicants' disclosure. However, since these patents were not applied in rejecting claims formerly in the application, further discussion of these patents is deemed unnecessary.

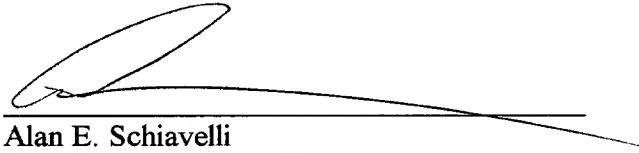
In view of the foregoing amendments and remarks, favorable reconsideration and allowance of all of the claims now in the application are requested.

To the extent necessary, applicants petition for an extension of time under 37

CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 323.35634X00), and please credit any excess fees to such deposit account.

Respectfully submitted,

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